

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA

PLAINTIFF

VS.

BERNICE HOLGUIN MIRANDA

DEFENDANT.

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NO. 15-CR-1515-RB

MOTION TO RECONSIDER ORDER OF DETENTION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW **BERNICE HOLGUIN MIRANDA**, by and through her court-appointed counsel, Cori A. Harbour-Valdez, and respectfully requests this Court reconsider its Order of Detention and after a hearing on same, enter an Order Setting Conditions of Release. As grounds, Bernice Holguin Miranda would show the following:

1. On April 28, 2015, Defendant was named in two counts of a fourteen count indictment alleging violations of 21 U.S.C. § 846 and 21 U.S.C. § 843(b).
[Doc 2]
2. Undersigned counsel was appointed to represent Defendant on May 1, 2015.
[Doc. 45]
3. On May 6, 2015, the Court entered an Order of Detention. [Doc. 75]
4. Defendant suffers from a number of health issues which are not being properly treated during her incarceration.
5. Defendant suffers from chronic pain in her back and takes prescription medications for her back, high blood pressure, and heart issues. Several of

her teeth recently abscessed, causing significant pain. She was also recently diagnosed with high levels of protein, accompanied by blood, in her urine.

6. Prior to her arrest, she was under the care of Dr. Mohamed B. Aswad in Deming, New Mexico. She was scheduled to undergo an MRI on April 29, 2015, but was in custody at that time. Dr. Aswad referred Defendant for the MRI based on his opinion that she needed back surgery to address the chronic pain caused by her sciatic nerve.
7. Dr. Aswad also referred Defendant to Dr. Victor Nwachuku, an OB/GYN in Silver City, New Mexico, for a hysterectomy.
8. For these reasons, Defendant requests the Court reconsider its Order of Detention and after a hearing, allow her to be released to the custody of her daughter.
9. Assistant U.S. Attorney Edwin Garreth Winstead is opposed to the instant motion and the relief requested herein.

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully requests that the Court grant this Motion to Reconsider Order of Detention, set this matter for hearing, and after said hearing, enter an Order Setting Conditions of Release.

Dated: September 11, 2015

Respectfully submitted,

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By: /s/ Cori A. Harbour-Valdez
Cori A. Harbour-Valdez

CERTIFICATE OF SERVICE

I, Cori A. Harbour-Valdez, do certify that on September 11, 2015, I caused the instant motion to be filed with the Clerk of the Court using the CM/ECF system that will serve all other parties entitled to service and notice.

/s/ Cori A. Harbour-Valdez
Cori A. Harbour-Valdez